

DEPARTMENT OF SOCIAL SERVICES



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November 30, 1981

ALL COUNTY LETTER NO. 81-117

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: Child Abuse Reporting Law, SB 781 (Chapter 1071, Statutes 1980) as amended.

This All-County letter is designed to assist you in carrying out the new Child Abuse Reporting Law, as amended by SB 322, AB 499 and AB 518. The information presented here was developed from extensive analysis of the law by the Department and addresses the questions raised during the recently held statewide training sessions on the law conducted by the Department of Justice in cooperation with the Department of Social Services.

SB 781, Rains (Chapter 1071, 1980), became effective on January 1, 1981. SB 781 repealed the previous Child Abuse Reporting Law contained in Penal Code Sections 11161.5, 11161.6 and 11161.7 and recast these provisions in the new Child Abuse Reporting Law as Penal Code Sections 11165, 11166, 11167, 11168, 11169, 11170, 11171, 11172, and 11174 contained in Article 2.5 of Chapter 2 of Title 1 of Part 4 of the Penal Code. With the passage of SB 781, certain problems with the law surfaced. These were addressed and resolved with the passage of SB 322 (Chapter 29, Statutes 1981), AB 499 (Chapter 135, Statutes 1981) and AB 518 (Chapter 435, Statutes 1981).

The new Child Abuse Reporting Law is more comprehensive and definitive than its predecessor. It reflects the practice of child abuse reporting as it has evolved over the years, clarifies the duties and responsibilities of those who are required to report child abuse and makes changes designed to foster cooperation among child protective agencies and other persons required to report. A summary of the provisions of the Child Abuse Reporting Law (including the changes made by SB 322, AB 499, and AB 518) and their implications for county welfare departments is contained below. This summary is intended for use in conjunction with the Child Abuse Reporting Law (attached).

Penal Code Section 11165

Penal Code (P.C.) Section 11165 is a new definitions section, comprised of 11 definitions. There are four basic categories of definitions:

1. CHILD - This term is defined as "a person under the age of 18 years."
2. CHILD ABUSE - In addition to defining non-accidental physical injury as child abuse, this definition incorporates the five previous definitions of sexual assault, neglect, willful cruelty or unjustifiable punishment of a child (P.C. Section 273a), corporal punishment or injury (P.C. Section 273d) and abuse in out-of-home care as child abuse.
3. MANDATED REPORTERS - The mandated reporters are divided into four categories, of which three are defined. Those defined are child care custodian, medical practitioner and non-medical practitioner. P.C. Section 11166 includes employees of a child protective agency as the fourth category of mandated reporters.
4. CHILD PROTECTIVE AGENCY - This term is defined as "a police or sheriff's department, a county probation department, or a county welfare department."

SB 322 removed P.C. Section 261.5 (unlawful sexual intercourse) from the definition of sexual assault. Removal became necessary with the realization that the inclusion of P.C. Section 261.5 would have required a report of child abuse any time a mandated reporter reasonably suspected an unmarried female minor had engaged in sexual intercourse.

AB 518 expanded the definition of neglect to bring California back into compliance with federal regulations. Two categories of neglect were defined; severe neglect, essentially the same definition as in SB 781 with an added reference to P.C. Section 273a-type cases, and general neglect, defined as "the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter or supervision where no physical injury to the child has occurred." The purpose for creating two categories was to exempt the county welfare department which has primary responsibility for general neglect, from having to cross report these cases to law enforcement and the probation department (if the probation department is the agency responsible for Welfare and Institutions Code (W&IC) Section 300 dependency cases). When law enforcement and the probation department receive the initial report of general neglect, they must still cross-report these cases to the county welfare department for their intervention and assessments. General neglect cases have also been exempt from reporting to the Department of Justice central registry since they do not constitute the more serious neglect intended for the registry.

AB 518 also added licensing workers and evaluators to the definition of child care custodians. They are now mandated reporters.

Penal Code Section 11166

P.C. Section 11166 deals with the reporting requirements and is the heart of the law. It consists of six subsections:

- (a) This subsection states that certain persons (mandated reporters) must report child abuse.

These reports are required when the person, within the scope of his or her professional capacity, gains knowledge of, observes or reasonably suspects child abuse. "Reasonable suspicion" is defined and represents a new and broader standard for reporting.

This subsection requires telephone reports immediately or as soon as practically possible, a new time standard for phone reports, and written reports within 36 hours.

Further, reports are now required to only one child protective agency which may be selected by the reporter. The child protective agencies will be responsible for cross-reporting to each other.

- (b) This subsection authorizes mandated reporters to report a suspected instance of child abuse when they have knowledge of or reasonably suspect that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way. Willfully cruel or unjustifiable infliction of mental suffering (P.C. Section 273a) is still mandated for reporting as child abuse.
- (c) This subsection authorizes any other person who has knowledge of or observes a child whom he or she reasonably suspects has been a victim of child abuse to make a report to a child protective agency.
- (d) This subsection allows two or more mandated reporters who are present and jointly become aware of child abuse to select one reporter by mutual agreement, but requires reporting by the other mandated reporters if they become aware that the selected reporter failed to report.
- (e) The subsection makes it clear that reporting is an individual responsibility and prohibits supervisors or administrators from impeding or inhibiting reporting but not from having internal procedures to facilitate reporting and to apprise them of these reports.

- (f) This subsection requires cross-reporting between child protective agencies of all cases of child abuse received by these agencies, except general neglect. As mentioned before, general neglect cases are to be cross-reported only to the county welfare department. Cross-reports must be by telephone, immediately or as soon as practically possible, and in writing within 36 hours (using Department of Justice forms).

Except for general neglect, county welfare departments shall cross-report to law enforcement and the probation department (if the probation department is the agency responsible for W&IC Section 300 dependency cases).

Law enforcement shall cross-report to the county welfare department and the probation department (if the probation department is the agency responsible for W&IC Section 300 dependency cases). This is a new and significant requirement.

When the probation department handles W&IC Section 300 dependency cases, it shall cross-report to law enforcement except in cases of general neglect which shall be reported to the county welfare department only.

Penal Code Section 11167

P.C. Section 11167 consists of three subsections:

- (a) This subsection specifies the contents of a telephone report.
- (b) This subsection makes it clear that information relevant to the reported incident of child abuse may be given to an investigator from a child protective agency who is investigating the case.
- (c) This subsection allows for anonymous reporting by non-mandated reporters. It also makes it clear that the identity of all persons who report shall be confidential and disclosed only by court order or between child protective agencies. AB 518 adds language to allow the identity of persons who report to be disclosed when needed for court action initiated under Section 232 of the Civil Code, or Section 300 of the Welfare and Institutions Code, or in a criminal prosecution arising from alleged child abuse.

Penal Code Section 11168

P.C. Section 11168 states that the written reports submitted by mandated reporters must be on Department of Justice (DOJ) forms. DOJ has mailed an initial supply of all required forms to county welfare departments, probation departments, police departments and sheriff's departments (DOJ form SS8572). It is the responsibility of all these agencies, not just the county welfare department, to distribute the forms to mandated reporters.

Penal Code Section 11169

P.C. Section 11169 requires that a child protective agency forward to the Department of Justice a preliminary report in writing (DOJ forms SS8572 and SS8573) of every case of child abuse which it investigates except general neglect. Written reports received from other child protective agencies do not have to be forwarded to the Department of Justice.

The Department of Justice shall be notified (DOJ form SS8574) of reports that prove to be unfounded so that these may be purged from the files.

It is important to note that a case cannot be reported unfounded unless it was proven unfounded, i.e., the incident did not in fact occur (false report, inherently improbable, injury was accidental or did not constitute child abuse, etc.). A case cannot be classified as unfounded simply because it was not proven.

Penal Code Section 11170

This section requires the Department of Justice central registry to notify a child protective agency if it has any information relevant to the reported incident of child abuse.

Child protective agencies shall make this information available to the reporting medical practitioner, child care custodian or guardian ad litem appointed under Section 318 of the W&I Code if they are treating or investigating a case of suspected child abuse. It is important to note here that nonmedical practitioners are not included.

This section further requires that the investigating agency inform the person required to report a case of child abuse of the results of the investigation and of any action taken by the agency with regard to the child or family upon the completion of the investigation or after there has been a final disposition in the matter. It is important to note that you shall only report the results of the investigation or any actions taken to a mandated reporter making a report of child abuse under P.C. Section 11166 (a).

Penal Code Section 11171

P.C. Section 11171 consists of two subsections:

- (a) This subsection allows a physician and surgeon or dentist or their agents to take skeletal X-rays of a child without the consent of a child's parent or guardian for the purposes of diagnosing and determining the extent of child abuse.
- (b) This subsection makes it clear that neither the physician-patient nor the psychotherapist-patient privilege applies to information reported pursuant to the Child Abuse Reporting Law in any court proceeding or administrative hearing.

It is important to note that psychotherapist listed as mandated reporters are required to report child abuse if they have knowledge of it, observe it, or reasonably suspect it in their professional capacity or the scope of their employment. The report must be made if any patient or client (victim, abuser or other third party) reveals information that leads to a reasonable suspicion of child abuse.

Penal Code Section 11172

P.C. Section 11172 consists of two subsections:

- (a) In this subsection, SB 781 made it clear that all child care custodians, medical practitioners, or nonmedical practitioners reporting a suspected instance of child abuse are exempt from civil or criminal liability for any report required or authorized by the Child Abuse Reporting Law.

AB 499 added employees of a child protective agency to this list of persons receiving absolute immunity from civil or criminal liability for an authorized or required report. Therefore, all mandated reporters are now protected by absolute immunity.

In SB 781, any other person reporting child abuse was exempt from civil or criminal liability as a result of reporting unless it could be proved that a false report was made and the person knew or should have known that the report was false. AB 518 removes the words "or should have known" so that good faith reports by nonmandated reporters also receive absolute immunity from civil or criminal liability.

This subsection also exempts mandated reporters from civil and criminal liability for taking photographs, or causing photographs to be taken, of a suspected victim of child abuse without parental consent or for disseminating these photographs with the report required by P.C. Section 11166. However, this provision does not grant immunity with respect to any other use of these photographs.

- (b) This subsection states that failure to report as required is a misdemeanor and punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than five hundred dollars or by both.

Penal Code Section 11174

P.C. Section 11174 requires the Department of Justice, in cooperation with the Department of Social Services to prescribe by regulations, guidelines for the investigation of reports of abuse in out-of-home care in group

homes or institutions. The regulations are in the final drafting stages. Pending release of the final regulations, child protective agencies should respond to reports of abuse in out-of-home care as they would to any other report of child abuse.

Once the regulations are released, abuse in out-of-home care, as defined in P.C. Section 11165(f), that occurs in other than group homes or institutions (foster homes, schools, day care, etc.), shall still be reported to a child protective agency which remains responsible for investigating the report.

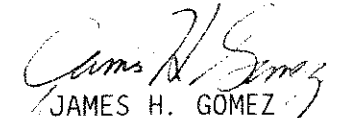
Legislative Intent Section

SB 781 also contains a Legislative Intent section. This is summarized as follows:

1. It is the intent of the Legislature to clarify the duties and responsibilities of those who are required to report child abuse and to foster cooperation between child protective agencies and mandated reporters. Such cooperation will insure that children receive the collective judgement of all such agencies and persons regarding the course to be taken to protect the child's interest.
2. It is the intent of the Legislature to require the reporting of child abuse which is of a serious nature and is not conduct which constitutes reasonable parental discipline.
3. It is not the intent of the Legislature to alter the holding in the decision of Landeros v. Flood (1976) 17 Cal.3d 399, which imposes civil liability for failure to report child abuse.
4. It is the intent of the Legislature to encourage county welfare departments to establish 24-hour toll-free numbers for receiving reports of child abuse.
5. It is the intent of the Legislature to encourage the Board of Supervisors of each county to establish a committee consisting of persons as specified in the law to establish guidelines for the sharing of information and the coordination of the investigation of cases of child abuse.
6. It is the intent of the Legislature to encourage county welfare departments or probation departments (if the probation department is the agency responsible for W&IC Section 300 dependency cases) to promptly perform a thorough assessment of each report of child abuse or emotional abuse that they receive from a mandated reporter. The specifics of what the assessment should determine are spelled out in detail in this section found at the end of the law.

We hope that this letter will be of assistance to you in carrying out the provisions of the Child Abuse Reporting Law. If you have any questions, please contact your Family and Children Services Program Operations Bureau consultant at 916/445-7653 or ATSS 485-7653.

Sincerely,


JAMES H. GOMEZ
Deputy Director

cc: CWDA

Attachment

CALIFORNIA

PENAL CODE

Article 2.5. Child Abuse Reporting

11165. As used in this article:

(a) "Child" means a person under the age of 18 years.

(b) "Sexual assault" means conduct in violation of the following sections of the Penal Code: Sections 261 (rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivisions (a) and (b) of Section 288 (lewd or lascivious acts upon a child under 14 years of age), and Section 288a (oral copulation), 289 (penetration of a genital or anal opening by a foreign object), and 647a (child molestation).

(c) "Neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

(1) "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by subdivision (d), including the intentional failure to provide adequate food, clothing, or shelter.

(2) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision where no physical injury to the child has occurred.

For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16508 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child.

(d) "Willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

(e) "Corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition.

(f) "Abuse in out-of-home care" means situations of physical injury on a child which is inflicted by other than accidental means, or of sexual assault or neglect or the willful cruelty or unjustifiable punishment of a child, as defined in this article, where the person responsible for the child's welfare is a foster parent or the administrator or an employee of a public or private residential home, school, or other institution or agency.

(g) "Child abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. "Child abuse" also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). "Child abuse" also means the neglect of a child or abuse in out-of-home care, as defined in this article.

(h) "Child care custodian" means a teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee of any public or private school; an administrator of a public or private day camp; a licensed day care worker; an administrator of a community care facility licensed to care for children; headstart teacher; a licensing worker or licensing evaluator; public assistance worker; employee of a child care institution including, but not limited to, foster parents, group home personnel and personnel of residential care facilities; a social worker or a probation officer.

(i) "Medical practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(j) "Nonmedical practitioner" means a state or county public health employee who treats a minor for venereal disease or any other condition; a coroner; a paramedic; a marriage, family, or child counselor; or a religious practitioner who diagnoses, examines, or treats children.

(k) "Child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department.

11166. (a) Except as provided in subdivision (b), any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

(b) Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report such known or suspected instance of child abuse to a child protective agency.

(c) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse may report the known or suspected instance of child abuse to a child protective agency.

(d) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.

(e) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article.

(f) A county probation or welfare department shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case, and to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, every known or suspected instance of child abuse as defined in Section 11165, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department and the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, every known or suspected instance of child abuse reported to it, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

11167. (a) A telephone report of a known or suspected instance of child abuse shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury, and any other information, including information that led such person to suspect child abuse, requested by the child protective agency.

(b) Information relevant to the incident of child abuse may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse.

(c) Persons who may report pursuant to subdivision (c) of Section 11166 are not required to include their names. The identity of all persons who report under this article shall be confidential and disclosed only when needed for court action initiated under Section 232 of the Civil Code, or Section 300 of the Welfare and Institutions Code, or in a criminal prosecution arising from alleged child abuse, or by court order or between child protective agencies.

11168. The written reports required by Section 11166 shall be submitted on forms adopted by the Department of Justice after consultation with representatives of the various professional medical associations and hospital associations and county probation or welfare departments. Such forms shall be distributed by the child protective agencies.

11169. A child protective agency shall forward to the Department of Justice a preliminary report in writing of every case of known or suspected child abuse which it investigates, other than cases coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, whether or not any formal action is taken in the case. However, if after investigation the case proves to be unfounded no report shall be retained by the Department of Justice. If a report has previously been filed which has proved unfounded the Department of Justice shall be notified of that fact. The report shall be in a form approved by the Department of Justice. A child protective agency receiving a written report from another child protective agency shall not send such report to the Department of Justice.

11170. The Department of Justice shall immediately notify a child protective agency which submits a report pursuant to Section 11169 of any information maintained pursuant to Section 11110 which is relevant to the known or suspected instance of child abuse reported by the agency. The indexed reports retained by the Department of Justice shall be continually updated and shall not contain any unfounded reports. A child protective agency shall make such information available to the reporting medical practitioner, child custodian, or guardian ad litem appointed under Section 318 of the Welfare and Institutions Code, if he or she is treating or investigating a case of known or suspected child abuse.

When a report is made pursuant to subdivision (a) of Section 11166, the investigating agency shall, upon completion of the investigation or after there has been a final disposition in the matter, inform the person required to report of the results of the investigation and of any action the agency is taking with regard to the child or family.

11171. (a) A physician and surgeon or dentist or their agents and by their direction may take skeletal X-rays of the child without the consent of the child's parent or guardian, but only for purposes of diagnosing the case as one of possible child abuse and determining the extent of such child abuse.

(b) Neither the physician-patient privilege nor the psychotherapist-patient privilege applies to information reported pursuant to this article in any court proceeding or administrative hearing.

11172. (a) No child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of child abuse shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew that the report was false. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse, without parental consent, or for disseminating the photographs with the reports required by this article. However, the provisions of this section shall not be construed to grant immunity from such liability with respect to any other use of the photographs.

(b) Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than five hundred dollars (\$500) or by both.

11174. The Department of Justice, in cooperation with the State Department of Social Services, shall prescribe by regulation guidelines for the investigation of child abuse, as defined in subdivision (f) of Section 11165, in group homes or institutions and shall ensure that every investigation of alleged child abuse coming within that definition is conducted in accordance with the regulations and guidelines.

NOTE: Section 5 of SB 781 (Chapter 1071, Statutes of 1980) contained the following legislative intent language:

In reenacting the child abuse reporting law, it is the intent of the Legislature to clarify the duties and responsibilities of those who are required to report child abuse. The new provisions are designed to foster cooperation between child protective agencies and other persons required to report. Such cooperation will insure that children will receive the collective judgment of all such agencies and persons regarding the course to be taken to protect the child's interest.

In enacting Article 2.5 (commencing with Section 11165) of Chapter 2 of Title 1 of Part 4 of the Penal Code, the Legislature recognizes that the reporting of child abuse and any subsequent action by a child protective agency involves a delicate balance between the right of parents to control and raise their own children by imposing reasonable discipline and the social interest in the protection and safety of the child. Therefore, it is the intent of the Legislature to require the reporting of child abuse which is of a serious nature and is not conduct which constitutes reasonable parental discipline.

In repealing Sections 11161.5, 11161.6 and 11161.7 of, and in reenacting the Child Abuse Reporting Law in Article 2.5 (commencing with Section 11165) of Chapter 2 of Title 1 of Part 4 of, the Penal Code, it is not the intent of the Legislature to alter the holding in the decision of *Landeros v. Flood* (1976), 17 Cal. 3d 399, which imposes civil liability for a failure to report child abuse.

It is the intent of the Legislature to encourage each county welfare department to establish within the department a toll-free number for receiving reports of child abuse 24 hours a day, seven days a week.

It is the intent of the Legislature to encourage the board of supervisors of each county to establish a committee composed of representatives from the county welfare department, local law enforcement agencies, county probation department, county health department and other persons representative of the population to be served, and any other person the board of supervisors deems appropriate, which would establish guidelines for the sharing of information and the coordination of the investigation of cases of child abuse.

It is the intent of the Legislature to encourage the county welfare or probation departments to promptly perform for each mandated report they receive and each report received pursuant to subdivision (b) of Section 11166 a thorough assessment to determine all of the following:

(a) The composition of the family or household, including the name, address, age, sex, and race of each child named in the report, and any siblings or other children in the same household or in the care of the same adults.

(b) Whether there is reasonable suspicion to believe that any child in the family, household, or child-care facility is being abused or neglected and a determination of the person or persons apparently responsible for the abuse or neglect.

(c) The immediate and long-term risk to each child if he or she remains in the existing environment.

(d) The protective treatment and ameliorative services that appear necessary to help prevent further child abuse or neglect.